

FILED

April 9, 2008

APR 09 2008

UNITED STATES DISTRICT COURT

NORTHERN

DISTRICT OF

ILLINOIS, EASTERN DIVISION

MAGISTRATE JUDGE SUSAN E. COX
UNITED STATES DISTRICT COURT OF AMERICA

MAGISTRATE JUDGE COX

v.

CRIMINAL COMPLAINT

JUAN RIVERA-CASILLAS

CASE NUMBER

08CR

285

I, the undersigned complainant, being duly sworn on oath, state that the following is true and correct to the best of my knowledge and belief. On or about April 3, 2008, at DuPage County, Illinois, in the Northern District of Illinois, Eastern Division, JUAN RIVERA-CASILLAS, defendant herein,

being an alien, who previously had been deported and removed from the United States on or about February 8, 2008, was found in the United States without previously having obtained the express consent of the Attorney General of the United States and the Secretary of the Department of Homeland Security for reapplication by defendant for admission into the United States;

in violation of Title 8, United States Code, Sections 1326(a) and(b)(2); and Title 6, United States Code, Section 202(4). I further state that I am a Special Agent with the Bureau of Immigration and Customs Enforcement ("ICE") and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.



Signature of Complainant
Paul Hornberger, Jr.
Special Agent, U.S. Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence,

April 9, 2008
Date

10:43 am

at Chicago, Illinois
City and StateHON. SUSAN COX, U.S. Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

STATE OF ILLINOIS)
)
COUNTY OF COOK)

SS

AFFIDAVIT

I, Paul Hornberger, under oath state as follows:

INTRODUCTION

1. I am a Special Agent with the Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), and have been so employed for approximately five years and eight months. I investigate alleged violations of immigration laws, including activities, which constitute the unlawful entry and reentry by aliens.

2. This affidavit is submitted for the limited purpose of establishing probable cause in support of the attached complaint and therefore contains only a summary of the relevant facts. I have not included each and every fact known by me concerning the individuals and events described herein. The information contained in this affidavit is based on my firsthand knowledge, review of ICE records, and information provided by other law enforcement officers and witnesses.

BACKGROUND OF THE DEFENDANT

3. I have reviewed ICE's ENFORCE computer database for records relating to JUAN RIVERA-CASILLAS, alien registration number A 76766770. Based on my review of these records, the defendant, RIVERA-CASILLAS, is a citizen of Mexico and is not a legal permanent resident or a citizen of the United States.

4. Based on my review of Illinois State Police criminal history records, I have learned that on March 24, 1999, in Will County, RIVERA-CASILLAS was convicted of Manufacturing or Delivering a Controlled Substance, in case number 98CF99. RIVERA-CASILLAS was sentenced to 6 years incarceration in the Illinois Department of Corrections.

5. According to records obtained from the ENFORCE computer database, on or about February 8, 2008, RIVERA-CASILLAS was deported and removed from the United States to Mexico at or near Chicago, Illinois.

THE INVESTIGATION

6. On April 3, 2008, Illinois State Police ("ISP") officials were conducting safety seat belt checks at the Midwest toll plaza on Interstate 88, in DuPage County, Illinois. ISP stopped a 2001 red Dodge van bearing Arizona plates, after noticing that the driver appeared to be hiding a female passenger on the floor. ICE agents interviewed the passengers and identified one of the passengers as RIVERA-CASILLAS. RIVERA-CASILLAS was interviewed and admitted to entering the United States on or about April 1, 2008, at or near El Paso, Texas without inspection.

7. After ICE agents determined that RIVERA-CASILLAS was in the United States illegally, they took him into administrative custody to be processed for deportation. As part of that process, ICE agents took his fingerprints, and photographed him.

8. I compared the photographs taken of RIVERA-CASILLAS from the April 3, 2008 ICE arrest with the photographs taken from RIVERA-CASILLAS's prior deportation and determined that the photographs are of the same individual.

9. RIVERA-CASILLAS's fingerprints were run through the Integrated Automated Fingerprint Identification System. The fingerprints taken on April 3, 2008, match the fingerprints associated with the RIVERA-CASILLAS, associated with alien registration number A 76766770.


10. I have reviewed ICE's Central Indexing System database and there is no evidence that the defendant applied for permission of the Attorney General or Secretary of Homeland

Security to reenter the United States and no evidence that the Attorney General or Secretary of

Homeland Security granted the defendant permission to reenter the United States.


11. Based upon the foregoing, I submit that there is probable cause to believe that RIVERA-CASILLAS is in the United States in violation of Title 8, United States Code, Sections 1326(a) and (b)(2).

FURTHER AFFIANT SAYETH NOT.



PAUL HORNBERGER, Jr.
Special Agent, Bureau of
Immigration and Customs Enforcement

SUBSCRIBED AND SWORN to before me on April 9, 2008.



HON. SUSAN COX
United States Magistrate Judge